

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, OXFORD DIVISION

JAHMAL RICE

PLAINTIFF

vs.

CIVIL ACTION NO. 3:22-CV-037-MPM-JMV
JURY DEMANDED

RUST COLLEGE

DEFENDANT

NOTICE OF REMOVAL

Rust College, defendant in the lawsuit titled *Jahmal Rice v. Rust College*, Civil Action No. CV2022-039, on the docket of the Circuit Court of Marshall County, Mississippi, has on March 2, 2022, filed in the United States District Court for the Northern District of Mississippi, Oxford Division, its notice to remove said civil action to the United States District Court for the Northern District of Mississippi, Oxford Division.

Copies of said notice are herewith served upon you as counsel of record for Jahmal Rice and a copy of said notice is being filed with the clerk of the aforesaid state court in conformity with 28 U.S.C. § 1446(d) as amended. Defendant represents that the grounds for removal are as follows:

1. On February 8, 2022, a complaint titled *Jahmal Rice v. Rust College*, Civil Action No. CV2022-039, was filed and is now pending on the docket of the Circuit Court of Marshall County, Mississippi, which is within the Northern District of Mississippi, Oxford Division.

2. Service of process was made upon defendant, Rust College, on or about February 18, 2022. Less than thirty (30) days have elapsed since the service on the defendant. A copy of all process and pleadings served upon defendant, as required by 28 U.S.C. § 1446(a), is attached as Exhibit A.

3. Civil actions over which district courts have original jurisdiction are removable. 28 U.S.C. § 1441(a). District courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs and in between citizens of different States. 28 U.S.C. § 1332(a).

4. Plaintiff's complaint alleges that he is an adult citizen of Saint Charles County, Missouri. (Compl., ¶1).

5. Defendant, Rust College is located in Marshall County, Mississippi. Its principal place of business is in Marshall County, Mississippi. (Compl., ¶2).

6. Plaintiff demands relief in the sum not to exceed One Million and no/100 dollars (\$1,000,000.00). (Compl., p. 6).

7. For all of the reasons set forth above, there is the diversity of citizenship and the matter in controversy exceeding \$75,000.00, over which the district courts shall have original jurisdiction pursuant to 28 U.S.C. § 1332. Therefore, this entire action may be removed to the United States District Court for the Northern District of Mississippi, Oxford Division, pursuant to the provisions of 28 U.S.C. § 1441(a)(b) and (c).

8. Promptly after filing this Notice of Removal, written notice thereof will be given to all adverse parties, and a copy of this notice (attached as Exhibit B) will be filed with the clerk of the aforesaid state court to effect the removal of such action to the United States District Court for the Northern District of Mississippi, Oxford Division, and requests that this Court assume full jurisdiction of the case herein as provided by law.

Respectfully submitted:

/s/ Edd L. Peyton
Edd L. Peyton (#102103)
Spicer Rudstrom, PLLC
119 South Main, Suite 700
Memphis, Tennessee 38103
(901) 522-2313
(901) 526-0213 fax
epeyton@spicerfirm.com
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following via the Court's ECF and/or U.S. Mail this the 2nd day of March, 2022.

Derek Fairchild
Adam Johnson
NAHON SAHAROVICH & TROTZ, PLLC
488 South Mendenhall
Memphis, Tennessee 38117

ATTORNEYS FOR PLAINTIFF

Honorable J. Kelly Luther
102-F North Main Street
Ripley 38663

MARSHALL COUNTY CIRCUIT COURT JUDGE

/s/ Edd L. Peyton
Edd L. Peyton